

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/619,018	SHAW, JOHN B.
	Examiner Mark T. Le	Art Unit 3617

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the filing of the instant application.
2.  The allowed claim(s) is/are 1-4.
3.  The drawings filed on 14 July 2003 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

5.  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - (a)  The translation of the foreign language provisional application has been received.
6.  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No. \_\_\_\_\_.
  - (b)  including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).**

9.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____.
3 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. <u>7/14/03</u>	7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment
4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material	8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance
	9 <input type="checkbox"/> Other

Mark T. Le  
Primary Examiner  
Art Unit: 3617

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Mr. McGue on January 9, 2004.

In claim 1, line 2 has been replaced by the followings:

-- at each end of the vehicle, a centrally pivoted four wheel center-line electrified guide-beam follower, --.

In claims 2-4, line 1, "propulsion system" has been changed to -- structure --.

In claim 2, line 2, "the rollway" has been changed to --a rollway--.

In claim 3, last line, "rolling" has been changed to --load-bearing--.

In claim 4, lines 2 and 3, the words "the" in front of the words "insulated", "laminations", and "rollway" have been deleted.

3. As discussed with Mr. McGue, on January 9, 2004, the above amendments were made to merely correct informalities in the instant claims so as to place the application in better condition for allowance.

## REASON FOR ALLOWANCE

4. The following is an examiner's statement of reasons for allowance: Shaw, Shimizu, Sobolewski, Nelson, Wagner, Izhelya, Tassin, Kobayashi, Kasai, Leffler disclose vehicles with various arrangements of linear motors suspended from the vehicles. However, the prior art of record, taken singly or in combination, does not suggest a transit vehicle having the combination of features arranged with magnetic linear motors, as recited in independent claim 1, including a magnetic linear motor suspended between each pair of load-bearing wheels by two locating arms pivoted from their adjacent axle arms and imposing the motor weight and thrust on an interaxle support arm attached under the axle arms thereby transferring the magnetic linear motor induced acceleration force from the axle arms through diagonal rods to the vehicle underframe to cause vehicle travel along a rollway. Accordingly, independent claim 1 along with claims 2-4 depending therefrom are considered to be defined over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Le whose telephone number is 703-308-3663. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 3617

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



Mark T. Le  
Primary Examiner  
Art Unit 3617

mle  
1/9/04